

## REMARKS

In the subject Office Action, claims 13-15 were allowed.

Claims 7-12 and 16-22 were rejected under 35 USC 101. Claims 16-18 would be allowable if re-written to overcome the rejections under 35 USC 101.

Claims 1, 7, 23 and 25 were rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 1-12 and 19-26 were rejected under 35 USC 103(a) as being unpatentable over Kane et al. ("Kane") USP 5,596,739, in view of Behnke (5,864,705).

In response, Applicants amended claims 1, 7-9, 18-23, and 25, and added new claims 27-29. Accordingly, claims 1-29 are now pending.

### Claims 13-15

Applicant thanks the Examiner for allowing claims 13-15.

### Rejections of claims 7-12 and 16-22 under 35 USC 101

Claims 7-12 and 16-22 were rejected under 35 USC 101 as being directed towards non-statutory subject matter. Applicant respectfully disagrees with the Examiner's analysis. Nonetheless, in the interest of expeditiously bringing prosecution on the merit to a conclusion, Applicants have amended claims 7 and 16, which now clearly recite a process that involves real physical operations (access and remap) performed against real things (control register in the case of claim 7, storage location in the case of claim 16), resulting in real results (different execution privilege level (claim 7) or relative execution privilege level relationship (claim 16)). Accordingly, claims 7 and 16 are clearly directed towards statutory subject matters.

Claim 8-12 and 17-22 depend from claims 7 and 16. Accordingly, claims 8-12 and

17-22 are also directed towards statutory subject matter.

Resultantly, claims 16-18 are allowable without having to be rewritten to address any alleged section 101 issues.

Rejections of claims 1, 7, 23 and 25 under 35 USC 112, second paragraph

Claims 1, 7, 23 and 25 were rejected under 35 USC 112 as being indefinite.

Applicant respectfully disagrees with the Examiner's analysis. Nonetheless, in the interest of expeditiously bringing prosecution on the merit to a conclusion, Applicants have amended claims 1, 7, 23 and 25, which now clearly recite the elements of the claimed apparatus/processor, and the structural relationship between the recited elements. Accordingly, Applicants submit claims 1, 7, 23 and 25 are in compliance with 35 USC 112, second paragraph.

In rejecting claim 1, the Examiner commented that it is unclear how and when the remapper would remap the privilege level of the task. Applicant respectfully submits such recitations are unnecessary to comply with 35 USC 112, second paragraph, as claim 1 is an "apparatus" claim. The requirement of 35 USC 112 second paragraph is fully met when the elements and the structural relationship of the elements are clearly recited.

In rejecting claim 7, the Examiner commented that it is unclear the relationship between the first and second current privilege level (i.e. is the first level higher or lower than the second level?). Applicant respectfully submits such recitations are unnecessary to comply with 35 USC 112, second paragraph, as claim 1 is an "apparatus" claim. As stated earlier, the requirement of 35 USC 112 second paragraph is fully met when the elements and the structural relationship of the elements are clearly recited. Moreover, Applicant is entitled to leave the relationship between first and second current privilege level un-particularized, to allow the claim to cover the cases where the first current privilege level is higher than the second current privilege level, the first current privilege level is lower than the second current privilege level, and the first current privilege level equals the second current privilege level,

and so forth.

Rejection of claims under 35 U.S.C. 103(a)

Claims 1-12 and 19-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,596,739, to Kane et al. ("Kane") in view of Behnke, USP 5,864,705. In response, Applicant respectfully traverses the Examiner rejection.

However, Applicant has taken this opportunity to amend claims 1, 7 and 19-26 to clarify the subject matter being claimed. No new matter has been introduced.

Kane teaches a privilege level 2 task (TSK2) using an ARPL instruction, an instruction of the processor, to adjust the requested protection level (RPL) of a provided selector to match the current protection level (CPL) of a privilege level 3 task (TSK3) (see, col. 18, 52-54). Thus, the task (TSK2) is involved, and the operating system is involved.

Behnke teaches optimized environments for virtualizing physical subsystems independent of the operating system. Examples of physical subsystems are sound card, modem, graphics display (see top right corner of Fig. 3). The operating system independent virtualization is achieved through the use of system management interrupts (SMI) (21 of Fig. 3), transferring I/O operations performed by application programs (52 of Fig. 3) to virtual subsystem programs (56 of Fig. 3) to handle. As a result, the physical subsystems (sound etc) may be virtualized and shared among the applications, independent of the operating system.

Accordingly, Behnke at best teaches or suggest to one of ordinary skill in the art that a task of a particular privilege level may adjust the RPL of a provided selector to match the CPL of another task of another privilege level, independent of the operating system (i.e. without use of the ARPL instruction), by way of another set of instructions invoked through the use of a SMI.

In combination, Kane and Behnke still fail to suggest to one of ordinary skill in the art to couple a remapper to a control register where the operating system uses to store a current privilege level to attribute an execution privilege to a task for the processor, to modify the

stored current privilege level to attribute a different execution privilege to the task for the processor, independent of the operating system, effectively overriding the operating system. Nothing in Kane nor Behnke suggests overriding privilege levels attributed to a task by an operating system.

Accordingly, claim 1 is not obvious in view of Kane and Behnke, and therefore patentable over Kane and Behnke combined under sec 103(a).

Each of claims 7, 19, 21, 23 and 25 includes the substance of the recitations in claims 1. Accordingly, for at least the same reasons, claims 7, 19, 21, 23 and 25 are not obvious in view of Kane, and therefore patentable over Kane under sec 103(a).

Claims 2-6, 8-12, 20, 22, 24 and 26 are dependent on independent claims 1, 7, 19, 21, 23 and 25, incorporating their limitations, respectively. Therefore, for at least the same reasons, claims 2-6, 8-12, 20, 22, 24 and 26 are patentable over Kane, under sec 103(a).

#### New Claims 27-29

New claim 27 includes in substance the recitations of claim 13. Accordingly, for at least the same reasons, claim 27 is patentable over the cited references.

Claims 28-29 depend from claim 27 incorporating its limitations. Accordingly, for at least the same reasons, claims 28-29 are patentable over the cited references.

### **CONCLUSION**

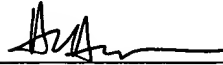
In view of the foregoing, claims 1-29 are in condition for allowance. Early issuance of the Notice of Allowance is earnestly solicited.

Please charge deposit account No. 500393, if there is any deficiency in fees required for the filing, and likewise credit the same account for any excess payment of fees.

Respectfully submitted,

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